



✉ EPAEPOEB
D-80298 München

☎ +49 89 2399-0
TX 523 656 epmu d
FAX +49 89 2399-4465

**Europäisches
Patentamt**

Generaldirektion 2

**European
Patent Office**

Directorate General 2

**Office européen
des brevets**

Direction Générale 2

W.P. Thompson & Co.
Coopers Building
Church Street
Liverpool L1 3AB
ROYAUME-UNI



Application No. 00 937 102.2 - 2113	Ref. JDM/DGR/ P400546	Date 09.05.2005
Applicant Provalis Dianostics Limited		

Communication under Rule 51(4) EPC

You are informed that the Examining Division intends to grant a European patent on the basis of the above application with the text and drawings as indicated below:

In the text for the Contracting States:
AT BE CH CY DE DK ES FI FR GB GR IE IT LI LU MC NL PT

Description, Pages

1, 4-18 as published
2, 3 received on 07.03.2005 with letter of 04.03.2005

Claims, Numbers

1-23 received on 07.03.2005 with letter of 04.03.2005

Drawings, Sheets

1/4-4/4 as published

With the following amendments to the above-mentioned documents by the examining division

Description, Pages 2
Claims, Numbers 3

A copy of relevant documents is enclosed



The title of the invention in the three official languages of the European Patent Office, the international patent classification, the designated Contracting States, the registered name of the applicant and the bibliographic data are shown on the attached EPO Form 2056.

You are requested within a **non-extendable** period of four months of notification of this communication

1.	to file 1 set of translations of the claim(s) in the two other EPO official languages;		EUR
2a.	to pay the fee for grant including the fee for printing up to and including 35 pages; Reference 007		715.00
2b.	to pay the printing fee for the 36th and each additional page; number of pages: 0	Reference 008	0.00
3.	to pay the additional claim fee(s) (Rule 51(7) EPC); number of claims fees payable: 0	Reference 016	0.00
		Total amount	715.00

Concerning the possibility of a request for accelerated grant pursuant to Article 97(6) EPC, reference is made to OJ EPO 2001, 459.

If the grant, printing or claims fees are not paid, or the translations not filed, in due time the European patent application will be deemed to be withdrawn (Rule 51(8) EPC).

For all payments you are requested to use EPO Form 1010 or to refer to the relevant reference number.

After publication, the European patent specification can be downloaded free of charge from the EPO publication server <https://publications.european-patent-office.org> or ordered only from the Vienna sub-office upon payment of a fee (OJ EPO 2005, 126).

Upon request in writing each proprietor will receive the certificate for the European patent **together with one copy** of the patent specification only if the request is filed within the time limit of Rule 51(4) EPC. If such request has been previously filed, it has to be confirmed within the time limit of Rule 51(4) EPC. The requested copy is free of charge. If the request is filed after expiry of the Rule 51(4) EPC time limit, the certificate will be delivered without a copy of the patent specification.

Translation of the priority document(s)

If the translation of the priority document(s), as required by Article 88(1) EPC, or the declaration according to Rule 38(5) EPC has not yet been filed, Form 2530 will be despatched separately. The translation is to be filed within the above mentioned time limit (Rule 38(5) EPC).

Note on payment of renewal fees

If a renewal fee falls due between notification of the present communication and the proposed date of publication of the mention of the grant of the European patent, publication will be effected only after the renewal fee and any additional fee have been paid (Rule 51(9) EPC).

Under Article 86(4) EPC, renewal fees are payable to the European Patent Office until the year in which the mention of the grant of the European patent is published.

Filing of translations in the Contracting States

Pursuant to Article 65(1) EPC the following Contracting States require a translation of the specification of the European patent in their/one of their official language(s) (Rule 51(10) EPC), **insofar** this specification will not be published in their/one of their official language(s)

- within **three** months of publication of the mention of such decision:

AT	AUSTRIA	FI	FINLAND
BE	BELGIUM	FR	FRANCE
CH	SWITZERLAND / LIECHTENSTEIN	GB	UNITED KINGDOM
CY	CYPRUS	GR	GREECE
DE	GERMANY	IT	ITALY
DK	DENMARK	NL	NETHERLANDS
ES	SPAIN	PT	PORTUGAL

- within **six** months of publication of the mention of such decision:

IE IRELAND

The date on which the European Patent Bulletin publishes the mention of the grant of the European patent will be indicated in the decision on the grant of the European patent (EPO Form 2006).

The translation must be filed with the national Patent Offices of the Contracting or Extension States in accordance with the provisions applying thereto in the State concerned. Further details (e.g. appointment of a national representative or indication of an address for service within the country) are given in the EPO information brochure "National law relating to the EPC", and in the supplementary information published in the Official Journal of the EPO, or available on the EPO website.

Failure to supply such translation to the Contracting and Extension States in time and in accordance with the requirements may result in the patent being deemed to be void ab initio in the State concerned.

Note to users of the automatic debiting procedure

Unless the EPO receives prior instructions to the contrary, the fee(s) will be debited on the last day of the period of payment. For further details see the Arrangements for the automatic debiting procedure (see Supplement to OJ EPO 2, 2002).



Date 09.05.2005

Sheet 4

Application No.: 00 937 102.2

Examining Division:

Chairman:

Hoffmann, A

2nd Examiner:

Eijkenboom, A

1st Examiner:

Degen, M



Schmethüsen, S

For the Examining Division

Tel. No.: +49 89 2399 - 2567

Enclosure(s):

Form 2056

25 Copies of the relevant documents



ADDITIONAL SHEET

+++ IMPORTANT INFORMATION +++

1. **For communications under Rule 51(4) EPC issued on or after 01.04.2005 the time limit of four months is not extendable anymore:**

According to Rule 51(4) EPC as amended the time limit set in the communication under Rule 51(4) EPC will be four months in all applications without possibility of extension.

Amended Rule 51(4) EPC applies to all applications for which a communication under Rule 51(4) EPC is issued on or after 01.04.2005.

2. **A copy of the patent specification will only be annexed to the European Patent certificate upon special request within the time limit of the 51(4) EPC communication:**

Under Rule 54 EPC as amended and the decision of the President of the EPO dated 22.12.2004 (OJ EPO 2005, 122) each proprietor will receive the certificate for the European patent together with a copy of the patent specification upon request in writing and only if the request is filed within the time limit of Rule 51(4) EPC. If such request has been previously filed, it has to be confirmed within the time limit of Rule 51(4) EPC. The requested copy is free of charge.

If the request is filed after expiry of the Rule 51(4) EPC time limit, the certificate will be delivered without a copy of the patent specification.

After publication, the European patent specification can be downloaded free of charge from the EPO publication server <https://publications.european-patent-office.org> or ordered from the Vienna sub-office upon payment of a fee (OJ EPO 2005, 126).

As before, upon payment of an administrative fee a duplicate copy of the European patent certificate with the patent specification attached or a certified copy of the patent specification will also be supplied.

CLAIMS

1. An apparatus comprising an inlet port (32) movable relative to each of first and second inlets such that the inlet port can be brought into liquid communication with each first and second inlet in turn as required, said first and second inlets being or leading to first (3) and second (5) collection chambers, said inlet port (32) being a funnel and accommodating a filter means or binder retaining means, the apparatus incorporating one or a plurality of means for breaking the surface tension of a drop comprising a web or like member to ensure said drop leaves the inlet port (32) and enters the first or second inlet, characterised in that the apparatus further comprises a paddle (100) for mixing a sample in a collection chamber (3,5) said paddle (100) comprising a magnetic or piezoelectric material such that the paddle (100) is capable of undergoing a reciprocating motion.

2. An apparatus as claimed in claim 1 wherein said web or like member is situated across an outlet (34) of said funnel.

3. An apparatus as claimed in claim 1 or 2 wherein said filter means or binder retaining means comprises a frit.

4. An apparatus as claimed in any one of claims 1 to 3 wherein the paddle (100) comprises a liquid moving surface and means for supporting the paddle in or over a chamber (3,5) such that the paddle (100) can undergo a reciprocating motion in the chamber (3,5).

5. An apparatus as claimed in claim 4 wherein the means for supporting the paddle in or over the chamber comprises a pair of arms extending from the liquid moving surface.

6. An apparatus as claimed in any one of claims 1 to 5 wherein the paddle is T shaped.

7. An apparatus as claimed in any one of claims 1 to 6 wherein the liquid moving surface of the paddle (100) has an opening (106) formed therein through which a light beam can pass.

8. An apparatus as claimed in any one of claims 1 to 7 wherein the paddle (100) comprises a magnetic material.

9. An apparatus as claimed in any one of the preceding claims wherein at least one chamber (3,5) comprises a base with sides extending therefrom to define the chamber, said sides comprising means (101) which support the paddle.

10. An apparatus as claimed in claim 9 wherein said means (101) which support the paddle (100) is a pair of slots in said sides.

11. An apparatus as claimed in any one of the preceding claims wherein said chamber (3,5) is an optical chamber.

12. An apparatus as claimed in any one of the preceding claims which is a carousel or cassette.

13. An instrument (24) adapted to receive an apparatus (31) as claimed in any one of the preceding claims, said instrument (24) comprising means for causing said paddle (100) to undergo a reciprocating motion in the chamber.

14. An instrument (24) as claimed in claim 13 in which said means for causing said paddle (100) to undergo a reciprocating motion is an electromagnetic means.

15. An instrument (24) as claimed in claim 14 wherein said electromagnetic means is a solenoid.

16. A device comprising an instrument (24) as claimed in any one of claims 13, 14 or 15 for reading one or more samples, and an apparatus (31) as claimed in any one of claims 1 to 12 for presenting the one or more samples to the instrument, wherein the positioning of the one or more samples into a reading position is achieved using two phased recognition.

17. A device as claimed in claim 16 in which a first switch informs the instrument that the apparatus is within range and a second switch confirms precise alignment.

18. A device as claimed in claim 16 or 17 wherein a first micro switch on the instrument (24) is activated by an "element" (58) on the apparatus (31) and this constitutes the first phase of detection and a second switch on the instrument serves as the "fine tune" and is activated when the instrument

reaches a precise location on the instrument.

19. A device as claimed in claim 18 wherein the "element" (58) on the apparatus is a projecting member which depresses a board mounted micro-switch via a rocker arm assembly.

20. A device as claimed in claim 19 wherein the two members of the switch are a notch (120,122) in the outermost wall of the apparatus, and a resilient member or arm on the instrument.

21. A device as claimed in claim 20 comprising four switches located 90° apart.

22. A method for determining the percentage glycation of blood comprising the use of a device as claimed in any one of claims 16 to 21, the method comprising the steps of:

i) separating a blood sample into a first component fraction containing one or more non-glycated proteins, and a second component containing the one or more glycated proteins, and

ii) detecting/quantifying glycated haemoglobin by spectrophotometric means at between 405 nm and 460 nm.

23. A method as claimed in claim 22 wherein the detection/quantification of glycated haemoglobin is measured at about 440nm.